

MEMORANDUM

July 8, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CINDY S. LEE
Franscell, Strickland, Roberts & Lawrence

JOHANNA M. FONTENOT
Principal Deputy County Counsel
General Litigation Division

RE: Michael Reed v. County of Los Angeles, et al.,
U.S. District Court Case No. CV 02-7971 CAS (MANx)

DATE OF
INCIDENT: March 22, 2000

AUTHORITY
REQUESTED: \$44,500

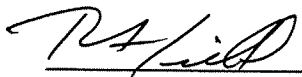
COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

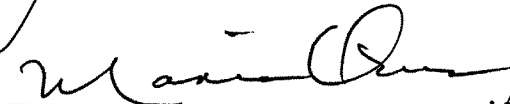
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on July 19, 2004

SUMMARY

This is a recommendation to settle for \$44,500, a civil rights lawsuit filed by Michael Reed, who alleges that Sheriff's Deputies used excessive force when they arrested him on March 22, 2000.

LEGAL PRINCIPLES

The County and its employees can be held liable for a violation of civil rights if an individual is subjected to more force than is necessary to effect an arrest, prevent escape, or overcome resistance.

A prevailing plaintiff in a civil rights case is also entitled to an award of attorney fees.

SUMMARY OF FACTS

On March 22, 2000, at approximately 1:20 a.m., two Sheriff's Deputies, on routine patrol in the area of Normandie and Manchester Avenue, heard gunshots. At this time, the Sheriff's Deputies observed Mr. Reed's vehicle fail to stop for a red signal light while traveling at a high rate of speed. When the Sheriff's Deputies attempted to stop Mr. Reed, he failed to yield, and as a result, the Sheriff's Deputies initiated a vehicle pursuit.

At the termination of the pursuit, Mr. Reed exited his vehicle and attempted to flee on foot. The Sheriff's Deputies caught up to Mr. Reed and ordered him to the ground. Initially, Mr. Reed complied with the commands of the Sheriff's Deputies by laying face-down on the ground.

As a Sheriff's Deputy was handcuffing Mr. Reed, Mr. Reed pulled away, pushed himself up onto his knees, and reached to his waistband. Since the Sheriff's Deputies had not patted down Mr. Reed for weapons, the Sheriff's Deputies believed Mr. Reed might be attempting to retrieve a weapon. As a result, one of the Sheriff's Deputies struck Mr. Reed on the face with his flashlight while the other Deputy hit Mr. Reed on the head with a closed fist. Mr. Reed was also pepper sprayed as one of the Sheriff's Deputies continued to hit Mr. Reed with his closed fist.

Mr. Reed claims that he complied with the Sheriff's Deputies' commands, and that the Sheriff's Deputies beat him unnecessarily. Mr. Reed was found to be unarmed, and was arrested for possessing a small amount of rock cocaine in his vehicle.

DAMAGES

Mr. Reed suffered lacerations to the back left side of his head and his right cheek requiring stitches, a fracture to the left orbital socket, head trauma, laceration to his lip and inner mouth, and the loss of one tooth. He complains of pain to his left eye, right cheek, shoulders, knees, and elbows. He claims residual back and shoulder pain, which he states will prevent him from working as a mover/laborer upon his release from prison.

The potential damages, should this matter proceed to trial could be as follows:

| | |
|---------------------|------------------|
| Loss of Income: | \$ 50,000 |
| Pain and Suffering: | \$150,000 |
| Attorneys Fees | <u>\$100,000</u> |
| | \$300,000 |

STATUS OF CASE

This case was set for trial for July 13, 2004, but has been stayed pending consideration of the proposed settlement.

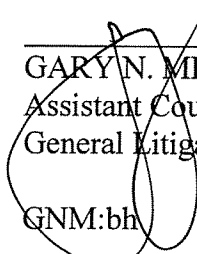
Expenses incurred by the County in defense of this matter to date include attorney fees of \$81,062 and costs of \$4,229.

EVALUATION

A Sheriff's Department videotape of an interview with Mr. Reed at the hospital shortly after the incident is extremely graphic. The videotape clearly depicts the severity of Mr. Reed's injuries, especially to his face, and has the potential of inflaming a jury. While the Sheriff's Deputies were using force to overcome Mr. Reed's resistance, a jury could conclude that the Sheriff's Deputies used more force than was necessary. A reasonable settlement at this time avoids the risk of a jury verdict, along with an award of attorneys fees, that could exceed the proposed settlement.

We join with our private counsel, Franscell, Strickland, Roberts & Lawrence, in recommending a settlement of this matter in the amount of \$44,500. The Sheriff's Department concurs in this recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:bh